

## REMARKS

The issues outstanding in the final rejection mailed October 19, 2004, are the election, and the rejections under 35 U.S.C §§112 and 103. Reconsideration of these issues, in view of the following discussion, is respectfully requested. At the outset, the Examiner is thanked for indicating the withdrawal of all prior rejections over art. The current Office Action makes new art rejections over a newly cited reference.

### Requirement for Restriction

While it is noted in various Office Actions that the Applicant "timely traversed" the Restriction Requirement, no substantive reasons for maintaining the Restriction Requirement have been given. Thus, Applicants are not in a position to effectively prepare a petition against the Restriction Requirement. It is requested that detailed comments concerning maintenance of the Restriction Requirement be given in any subsequent Office Action, unless the Restriction Requirement is withdrawn.

### Rejection Under 35 U.S.C §112

Claims 1 - 5, 9, 10, 12 - 16, 18 - 23, 26 - 34, 40 - 49 and 51 have been rejected under 35 U.S.C §112, second paragraph. Reconsideration of this rejection is respectfully requested.

With respect to claims 1 and 48, spelling of the term "compatibilizer" has been changed. However, it is noted that the current spelling of the term is in direct response to the requirement to change the spelling at page 2 of the Office Action mailed April 29, 2004. See the third line from the bottom of page 2 of that Office Action. In any event, it is submitted that these amendments have not changed the scope of the claims, either literally or for the purposes of the doctrine of equivalents.

It is argued, at page 2 of the current Office Action, that claims 9 and 51 are duplicates. This is clearly not the case, inasmuch as claim 9 specifies the nature of components (A) and (D), and requires that (D) be present, while claim 51 merely requires (D) be present but does not specify the nature of (A) or (D). It is submitted that cancellation of claim 51 is for *other* reasons than in response to this rejection. In any event, however, the rejection is moot.

### Rejections Under 35 U.S.C §102/103

Claims 1, 4, 12 - 16, 18, 19, 22, 23, 28, 30, 33, 42, 43, 45 and 47 - 48 have been rejected under 35 U.S.C §102 or, in the alternative §103, over Wittman et al. '852. Reconsideration of this rejection is respectfully requested.

While, at page 3 of the Office Action, it is argued that the "disclosure of the reference meets the requirements of the present claims in terms of the types of materials added and their contents," the specific teachings of the reference are not applied to the requirements of the present claims. It is assumed, however, that the argument underlying this rejection is an assertion that the mixture of (2)(a) and (2)(b) of the references satisfies both the present (A) semi-crystalline polyamide and (C) supple polyamide. Regardless of whether this is accurate, it is clear that the patentees fail to suggest, in addition to a semi-crystalline polyamide and amorphous polyamide, the use of a supple polyamide. In particular, patentees do not suggest a supple polyamide which is a copolymer containing polyamide blocks and polyether blocks, for example, a material produced from polyamide blocks having acidic terminations which is condensed with a polyether diols or diamines.

Patentees disclose a component (A), which can be a mixture of (2)(a), a partially crystalline polyamide, and (2)(b), a partially crystalline or amorphous polyamide or copolyamide containing polydiorganosiloxane carbonamide units. Patentees disclose that their polyamides are prepared from diamines or lactams or aminocarboxylic acids, see column 2, lines 49 - 66. Patentees polydiorganosiloxane-containing polyamides are prepared from polyether diamines, e.g., polyoxyalkalene polyetherdiamine, prepared itself by amination of polyoxyalkylene ether diols. See 4, lines 39 - 63. However, it is clear to one of ordinary skill in the art that the polyether diamine would be in the chain of the polyamide, which has alternating diacid and amine moieties, and which may further contain lactams, but is not of a block nature. Thus, it is clear that the patent fails to teach, or suggest, block materials as in component (C) of the present claims. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 2, 3, 5, 20, 21, 26, 27, 29, 31, 32, 34, 44, 46 and 49 have also been rejected under 35 U.S.C §103 over Wittman. For the reasons discussed above, it is submitted this rejection also should be withdrawn.

Double Patenting

Claims 1 - 5, 12 - 16, 18 - 23, 26 - 34 and 42 - 29 have been provisionally rejected under the doctrine of obviousness-type double patenting. It is respectfully submitted that, in view of the current form of the present claims, and the claims of the co-pending application, the claims of the co-pending application do *not* render obvious the present claims, and this rejection should also be withdrawn.

Accordingly, all the claims herein are submitted to be in condition for allowance. However, should the Examiner have any questions or comments, she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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Attorney Docket No.: ATOCM-0245  
Date: February 22, 2005

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